

**REMARKS**

In the final Office Action, dated August 19, 2008, the Examiner rejects claims 12-16, 18, 19, 22-26, 28, 29, 43, and 44 under 35 U.S.C. § 102(e) as anticipated by SACKS (U.S. Patent Application Publication No. 2002/0016765); and rejects claims 2-6, 8, 9, 32-36, 38, 39, 41, 42, and 45 under 35 U.S.C. § 103(a) as unpatentable over SACKS in view of the Examiner's Official Notice, and further in view of KIM et al. (U.S. Patent Application Publication No. 2005/0086164). Applicant respectfully traverses these rejections. Claims 2-6, 8, 9, 12-16, 18, 19, 22-26, 28, 29, 32-36, 38, 39, and 41-45 are pending.

**Rejection under 35 U.S.C. § 102(e) based on SACKS**

Claims 12-16, 18, 19, 22-26, 28, 29, 43, and 44 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by SACKS. Applicant respectfully traverses this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. SACKS does not disclose, either explicitly or inherently, each of the features recited in Applicant's claims 12-16, 18, 19, 22-26, 28, 29, 43, and 44.

For example, independent claim 43 is directed to a method for performing a monetary transaction. The method includes receiving payee identification information, user information, and amount information from a wireless device associated with a user; identifying a first account associated with the user based on the user information; prompting a payee device associated with the payee, for information relating to a second

account associated with the payee based on the payee identification information; and transferring funds based on the amount information between the first account and the second account. SACKS does not disclose or suggest this combination of features.

For example, SACKS does not disclose or suggest receiving payee identification information, user information, and amount information from a wireless device associated with a user. The Examiner relies on paragraphs 0019 and 0038-0044 as well as claims 1, 5, and 8 of SACKS for allegedly disclosing this feature (final Office Action, p. 3). Applicant respectfully disagrees with the Examiner's interpretation of SACKS.

At paragraph 0019, SACKS discloses:

FIG. 1 is a block diagram depicting one embodiment of the invention. In FIG. 1, buyer 102 first connects to seller or seller site 104 to make a purchase or arrange some other form of electronic transaction. Buyer 102 may employ virtually any type of communication or computing device, such as a computer (e.g., portable, handheld, desktop), a smart phone (e.g., WAP (Wireless Access Protocol)), a two-way pager, etc. Similarly, seller 104 may comprise any number, type or form of computer systems or web sites, using any type of application, web or communication server.

This section of SACKS discloses that buyers and sellers may use any type of computing device, such as desktop computers, handheld computers, or smart phones, to facilitate the payment processing system of SACKS. Contrary to the Examiner's interpretation, this section of SACKS does not disclose or suggest receiving payee identification information, and amount information from a wireless device associated with a user, as recited in claim 43. In fact, paragraph 0019 does not disclose or suggest receiving any information from a wireless device, except perhaps a connection request received by a seller site 104.

Paragraphs 0038-0044 of SACKS disclose the overall flow for performing the third party payment processing using the system described in SACKS. More specifically, this section of SACKS discloses that a buyer first visits a seller's system (e.g., web site), selects a good or service to purchase, and initiates payment for the transaction by selecting a link on the seller's system. The buyer is then connected to the third party payment processor. The third party payment processor then identifies whether the buyer is already registered with the third party payment processor and, if so, the buyer's identity is verified, using, for example, an account name/password associated with the buyer. If the buyer does not have an account, one may be established.

Once verified, SACKS' payment processor elicits payment from the buyer by prompting for a credit card or bank account as well as additional data, such as name address, telephone number, etc., that may be required to validate an identity for the financial transaction. Details of the transaction are then displayed and the transaction is processed upon selection by the buyer. At this point, funds are removed from the buyer's account and deposited in the seller's account with the system.

Contrary to the Examiner's allegations, this section of SACKS does not disclose or suggest receiving payee identification information and amount information from a wireless device associated with a user, as recited in claim 43. Rather, SACKS appears to disclose that this information is received from the payee upon redirection of the buyer from the seller's web site to the third party processor. Nowhere does SACKS disclose or suggest that payee identification information or amount information are received from a wireless device associated with a user, as recited in claim 43.

Claim 1 of SACKS recites:

A method of processing an electronic payment from a payor to a payee at a third party, comprising: receiving at the third party a first connection from the payor, wherein a second connection between the payor and the payee is terminated when said first connection is received; creating an account for the payor with the third party for facilitating electronic payments, if said account does not exist; and electronically transferring funds from the payor to the payee.

This claim of SACKS merely discloses creating an account for the payer with a third party if an account for the payer does not exist and electronically transferring funds from the payer to the payee. This claim of SACKS does not disclose or suggest receiving payee identification information, user information, and amount information from a wireless device associated with a user, as recited in claim 43. In fact, this claim of SACKS does not mention receiving any information from a wireless device associated with a user.

Claims 5 and 8 of SACKS recite:

The method of claim 1, further comprising receiving, with said first connection, details of an electronic transaction between the payor and the payee.

The method of claim 5, wherein said details include an identifier of a payee account with the third party.

Claim 5 of SACKS merely discloses receiving details of an electronic transaction. This claim of SACKS does not disclose or suggest receiving payee identification information, user information, and amount information from a wireless device associated with a user, as recited in claim 43. In fact, this claim of SACKS does not mention receiving any information from a wireless device associated with a user. Moreover, SACKS specifically discloses that the "details of an electronic transaction" include a network

address to which to forward the payer after the electronic funds are transferred (claim 6), a network address to which to forward the payer if the payer cancels the electronic funds transfer (claim 7), or an identifier of a payer account with the third party (claim 8). Neither these claims nor any other section of SACKS discloses or suggests receiving payee identification information, user information, and amount information from a wireless device associated with a user, as recited in claim 43.

Further with respect to the above feature of claim 43, the Examiner alleges:

Sacks teaches a user using wireless device such as handheld device, smart phone, etc. conducting purchase and payment transactions (see ¶ 19-20), and the transaction information comprising payee identification information (see Sacks page 5 claim 8) and amount information (see ¶ 44)

(final Office Action, p. 2). Applicant respectfully disagrees with the Examiner's interpretation of SACKS.

Paragraphs 0019 and 0044, and claim 8 of SACKS are addressed above. For at least the reasons given above, none of these sections of SACKS discloses or suggests receiving payee identification information, user information, and amount information from a wireless device associated with a user, as recited in claim 43.

At paragraph 0020, SACKS discloses:

When buyer 102 makes a product selection or otherwise agrees to the terms of a transaction with seller 104, he or she is redirected to payment processor 106. This redirection may occur, for example, when the buyer indicates a desire to consummate the transaction (e.g., to pay for a purchase or to checkout), selects a payment option, selects a link offered by the seller, etc.

This section of SACKS disclose that when a buyer makes a product selection (or agrees to the terms of a transaction with a seller), the buyer is redirected to a payment processor. This section of SACKS does not disclose or suggest receiving payee identification

information, and amount information from a wireless device associated with a user, as recited in claim 43. In fact, paragraph 0019 of SACKS does not disclose or suggest receiving any information from a wireless device.

For at least the foregoing reasons, Applicant submits that claim 43 is not anticipated by SACKS. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 43 under 35 U.S.C. § 102(e) based on SACKS.

Claims 12-16, 18, and 19 depend from claim 43. Therefore, these claims are not anticipated by SACKS for at least the reasons given above with respect to claim 43. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 12-16, 18, and 19 under 35 U.S.C. § 102(e) based on SACKS.

Independent claim 44 recites features similar to (yet possibly of different scope than) features recited above with respect to claim 43. Therefore, claim 44 is not anticipated by SACKS for reasons similar to reasons given above with respect to claim 43. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 44 under 35 U.S.C. § 102(e) based on SACKS.

Claims 22-26, 28, and 29 depend from claim 44. Therefore, these claims are not anticipated by SACKS for at least the reasons given above with respect to claim 44. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 22-26, 28, and 29 under 35 U.S.C. § 102(e) based on SACKS.

**Rejection under 35 U.S.C. § 103(a) based on  
SACKS, the Examiner's Official Notice, and KIM et al.**

Claims 2-6, 8, 9, 32-36, 38, 39, 41, 42, and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over SACKS in view of the Examiner's Official Notice, and further in view of KIM et al. Applicant respectfully traverses this rejection.

Independent claim 42 is directed to a monetary transaction system that includes a payment processing system configured to receive payee identification information, user information, and amount information from a wireless device associated with the user, where the user information further includes information identifying the wireless device, identify a first account associated with the user based on the user information including the received wireless device identification information, identify a second account associated with the payee based on the payee identification information, transfer funds based on the amount information between the first account and the second account, and send a notification of the transfer of the funds to the wireless device, the notification including an itemization of goods or services associated with the transfer. SACKS and KIM et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features. Moreover, the Examiner's Official Notice does not remedy the deficiencies in the disclosures of SACKS and KIM et al.

For example, SACKS, the Examiner's Official Notice, and KIM et al. do not disclose or suggest a payment processing system configured to receive payee identification information, user information, and amount information from a wireless device associated with the user, where the user information further includes information identifying the wireless device. This feature is similar to (yet possibly of different scope

than) a feature described above with respect to claim 43. Applicant submits that the Examiner's Official Notice and KIM et al. do not remedy the deficiencies in the disclosure of SACKS set forth above with respect to claim 43. Therefore, Applicant submits that SACKS, the Examiner's Official Notice, and KIM et al. do not disclose or suggest a payment processing system configured to receive payee identification information, user information, and amount information from a wireless device associated with the user, where the user information further includes information identifying the wireless device, as recited in claim 42, for at least reasons similar to reasons given above with respect to claim 43.

SACKS, the Examiner's Official Notice, and KIM et al., whether taken alone or in any reasonable combination, do not further disclose or suggest that the payment processor is configured to identify a first account associated with the user based on the user information including the received wireless device identification information, as also recited in claim 42. The Examiner relies on paragraphs 0040-0044 of SACKS for allegedly disclosing this feature (final Office Action, p. 5). Applicant respectfully disagrees with the Examiner's interpretation of SACKS.

Paragraphs 0040-0044 of SACKS disclose that the third party payment processor identifies whether the buyer is already registered with the third party payment processor and, if so, the buyer's identity is verified, using, for example, an account name/password associated with the buyer. If the buyer does not have an account, one may be established.

Once verified, SACKS' payment processor elicits payment from the buyer by prompting for a credit card or bank account as well as additional data, such as name



address, telephone number, etc., that may be required to validate an identity for the financial transaction. Details of the transaction are then displayed and the transaction is processed upon selection by the buyer. At this point, funds are removed from the buyer's account and deposited in the seller's account with the system.

Contrary to the Examiner's allegations, this section of SACKS does not disclose or suggest that the third party payment processor is configured to identify a first account (from which funds are transferred) associated with the user based on the user information including the received wireless device identification information, as would be required of SACKS based on the Examiner's interpretation of claim 42. Rather, SACKS specifically discloses that the buyer is prompted to identify a credit card or bank account for paying for the immediate transaction and/or for funding an account for the buyer with the payment processor (see, for example, paragraph 0043). SACKS does not disclose or suggest a payment processing system that is configured to identify a first account (from which funds are transferred) associated with the user based on the user information including the received wireless device identification information, as recited in claim 42.

The Examiner's Official Notice and the disclosure of KIM et al. do not remedy the above deficiency in the disclosure of SACKS.

For at least the foregoing reasons, Applicant submits that claim 42 is patentable over SACKS, the Examiner's Official Notice, and KIM et al., whether taken alone or in any reasonable combination. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 42 under 35 U.S.C. § 103(a) based on SACKS, the Examiner's Official Notice, and KIM et al.

Claims 2-6, 8, and 9 depend from claim 42. Therefore, these claims are patentable over SACKS, the Examiner's Official Notice, and KIM et al. for at least the reasons given above with respect to claim 42. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 2-6, 8, and 9 under 35 U.S.C. § 103(a) based on SACKS, the Examiner's Official Notice, and KIM et al.

Independent claim 45 recites features similar to (yet possibly of different scope than) features described above with respect to claim 42. Accordingly, Applicant submits that claim 45 is patentable over SACKS, the Examiner's Official Notice, and KIM et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 42. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 45 under 35 U.S.C. § 103(a) based on SACKS, the Examiner's Official Notice, and KIM et al.

Claims 32-36, 38, 39, and 41 depend from claim 45. Therefore, these claims are patentable over SACKS, the Examiner's Official Notice, and KIM et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 45. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 32-36, 38, 39, and 41 under 35 U.S.C. § 103(a) based on SACKS, the Examiner's Official Notice, and KIM et al.

### **Conclusion**

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the

Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, assertions as to dependent claims, reasons for modifying a reference and/or combining references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

In the event that the application is not believed to be in condition for allowance, the Examiner is invited to contact Applicant's representative at the number shown below to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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